

**MINUTES**

**CALL TO ORDER**

Meeting called to order by Mr. Weiss at 6:32 p.m.

**ATTENDANCE**

Present: Gerry Weiss, Diana Stein, Alisa Brewer, Aaron Hayden, Stephanie O'Keeffe

Absent: (none)

Present: Town Manger Larry Shaffer

Town Staff: David Ziomek, Jonathan Tucker; Town Counsel Shirin Everett

Members of the public: Walter Wolnik, Julie Johnson, Jonathan O'Keeffe, Rob Kusner, Hilda Greenbaum

**OPENING REMARKS/ANNOUNCEMENTS**

There were no opening remarks or announcements.

**PUBLIC COMMENT**

Walter Wolnik said that ACTV will soon have on-demand video, including Select Board meetings. He recommended that agendas or minutes be annotated in a way to indicate the start times of different topics, to assist those watching the online video. He also suggested that links to recent Select Board budget meeting videos be included on the Budget Process page on the Town web site.

**SELECT BOARD'S ACTION**

**Update on Article 11 – Larch Hill**

Mr. Hayden disclosed that he is on the Hitchcock Center Board and Ms. Stein said she had been active in the Center's founding; both said these did not represent financial conflicts or affect their objectivity. Mr. Shaffer said that compensation will be expected by the State as part of the land transfer and lease action sought under Article 11. The Hitchcock Center intends to cover the costs for such compensation, and Town Counsel advises that the details of that agreement appropriately will occur with the lease agreement, and not with this article. That lease will be crafted by Mr. Shaffer and the Conservation Commission, and will come to Town Meeting for approval. It was confirmed by Town Counsel and the Town Manager that new information does not change any of the previous assumptions under which the Select Board's vote in support of the article was taken. It was further emphasized that passage of the article doesn't tie the Town's hands if a mutually-satisfactory lease agreement can't be achieved; this is an initial step in support of the project, and the Town's interests are protected now and will continue to be protected with each subsequent step. Mr. Ziomek said that creation of the ground lease would occur simultaneously with the petitioning of the State Legislature to approve the Article 97 transfer.

**Action:** No vote was taken. The October 27th vote in support of the article stands.

**Update on Town Manager Evaluation**

Mr. Weiss suggested releasing each Select Board member's Town Manager evaluation form to the public in its entirety. He said that seemed preferable to him cutting and pasting all the elements of each one

into a single composite document. He said that the forms could be released with or without Select Board members' names. It was suggested that he try to summarize any broad themes in a cover document, to try to unify and add value to the separate documents. Members were willing to have the full documents released, and to have their names on them. Concern was expressed about whether former-Select Board member Anne Awad would be willing to have her name on hers, and if not, how that might compel the rest of the Select Board. Mr. Weiss said he would check with her. There was discussion about the logistics of releasing the documents, the nature of the agenda item to be planned for that topic, and how consideration of next year's goals and expectations might occur. Those issues were not resolved.

**Action:** It was agreed that full evaluation documents would be released; members' names would be included if Ms. Awad concurred; and that Mr. Weiss would consider creating a composite summary of common themes from the individual evaluations.

### **Update on Article 9, Part C – Recreation Space Requirement**

Jonathan O'Keeffe said that the Planning Board would ask to have Part C of Article 9 (a proposal to require recreation space for some types of multi-unit residential development) referred back to itself, following last week's referral back of parts A, B and D. The primary reason was that Part C was not intended to stand alone, and had some dependence on language in other parts of the article. He could not predict when a revised article on the issue might come back to Town Meeting, and said it would be considered among other Planning Board priorities.

**VOTED** unanimously to support referring Part C of Article 9 back to the Planning Board.

### **Update on Article 10 – Professional Office Uses in LI District**

Mr. Weiss said that Town Meeting members had approached him with possible amendments to the article, seeking to have it apply only to the Light Industrial parcel off North Whitney Street and not apply in North Amherst. He explained that he had been attempting to find a way to make such an amendment legal to avoid confusion at Town Meeting. Ms. O'Keeffe objected to how this had been handled, citing: inappropriate process for consideration of citizen amendments, inappropriate use of Town Counsel, and the inappropriate nature and appearance of this occurring through the Select Board Chair. She expressed concern about having significant elements of zoning amendment creation occurring outside of the Planning Board's open and deliberative process and the public's view. Mr. Weiss said he probably could have handled the issue better. Mr. Hayden suggested that the Planning Department staff or the Planning Board would have been better-suited to consider the citizen amendments. There was some discussion of the particulars of an intended amendment. Ms. O'Keeffe objected to the discussion, saying it should occur at a Planning Board meeting or at Town Meeting, but not at the Select Board meeting.

**Action:** No action taken.

### **Approval of Minutes**

**VOTED** 4 in favor, 1 abstention (Hayden,) with a single vote to approve the minutes of the October 27, 2008 and November 3, 2008 Select Board meetings, as amended. Mr. Hayden abstained because he was not yet on the Select Board as of those meetings.

**VOTED** unanimously to approve the minutes of the November 10, 2008 Select Board meeting.

### **Farmers Market Extension**

Mr. Shaffer had distributed a memo earlier in the day regarding the request by the Farmers Market to extend to next weekend. The memo indicated support from the Police Chief, the DPW Superintendent and the Chamber of Commerce. Appreciation was expressed for Mr. Shaffer's efforts in collecting and

presenting these details, and doing so on short notice.

**VOTED** unanimously to approve the following motion: Consistent with the Town Act, Chapter 216 of the Acts of 2001, in particular, *Section 3.2244 Regulation of public ways – The Select Board shall control and regulate the public ways*, the Select Board hereby authorizes the use of the Spring Street parking lot and public way, from Boltwood Avenue to South Pleasant Street, on Saturday, November 22, 2008 from sunrise to 2:00 p.m. for use by the Amherst Farmers Market.

**Approval of Select Board’s Annual Report**

Appreciation was expressed to the Select Board members for their assistance and to the Chair for putting the report together.

**VOTED** 4 in favor, 1 abstention (Hayden,) to accept the FY 2008 Select Board Annual Report.

**CLOSING REMARKS**

Mr. Shaffer said that a photographer would be at the November 24<sup>th</sup> meeting to take individual and group photos of the Select Board for Town Hall. He said it is important for history, and recommended that such photos happen after each election. All were advised to come prepared to be photographed.

**No action taken.**

**ADJOURNMENT**

**VOTED** unanimously to adjourn the open meeting at 7:26 p.m.

-- Respectfully submitted by Stephanie O’Keeffe